

**Remarks:**

The above amendments and these remarks are responsive to the Office action dated May 27, 2005. Prior to entry of the present Amendment, claims 1-68 remained pending in the present application, the Examiner having withdrawn an earlier election requirement.

Claims 1-6, 9-22, 24-36, 38, 39, 41-44, 46-59 and 61-68 stand rejected under 35 USC §102(e) based on Farr et al. (US Pub. No. US 2004/00223021 A1). Claims 7, 8, 23, 37, 40, 45 and 60 have been indicated allowable if rewritten in independent form. Applicants respectfully traverses the rejection for the reasons set forth below.

First considering formal matters, applicants note that the Examiner has objected to the specification and drawings in view of a number of typographical errors in the specification. One of the errors noted by the Examiner (identified as being on page 2, line 26) actually appears on page 3, line 26. Appropriate correction has been made.

Turning now to the claims, the Examiner objects to claim 6, noting that such claim is dependent on itself. In reviewing the application, the Examiner construes claim 6 as depending from claim 5. Claim 6 is amended in accordance with the Examiner's construction.

Regarding the rejection of claims 1-6, 9-22, 24-36, 38, 39, 41-44, 46-59 and 61-68 stand rejected under 35 USC §102(e) based on Farr et al., applicants note the Examiner's indication that the rejection may be overcome by an appropriate showing under 37 CFR §1.132. Applicants' Declaration Under §1.132 is provided herewith, indicating that aspects of the present invention that were disclosed in Farr et al. were derived from the inventors of this application. Accordingly, Farr et al. is not prior art

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"by another", and the rejection under 35 USC §102(e) based on Farr et al. should be withdrawn.

Regarding claims 7-8, 23, 27, 37, 40, 45 and 60, applicants note that the Examiner has paraphrased applicants' claims in indicating reasoning for allowing the claims. Applicants agree with the Examiner's conclusions regarding the patentability of the claims indicated to be allowable if rewritten in independent form, without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, applicants believe that the claims are allowable because the prior art fails to teach or suggest the invention as claimed.

Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Examiner L. Liang, Group Art Unit 2853, Assistant Commissioner for Patents, at facsimile number (703) 872-9306 on September 6, 2005.

  
Heidi Dutro

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

ISAAC FARR  
and SHANE SHIVJI

HP Docket No. 10017176-1

Serial No. : 10/613,797

Examiner L. Liang

Filed : July 2, 2003

Group Art Unit 2853

For : PRINTING DEVICE HAVING A PRINTING FLUID DETECTOR

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

DECLARATION UNDER § 1.132

We declare as follows:

1. We are inventors who, on July 2, 2003, filed the above-identified application. At the time of invention of the subject matter of the above-identified application, we were both employees of Hewlett Packard Company.

2. We also are listed as inventors on U.S. Patent Publication No. 2004/022321 A1 (US 2004/0223021 A1), which is cited in the Office action dated June 6, 2005. We are the inventors of those aspects of the present application which are disclosed in US 2004/0223021 A1, and which are disclosed and claimed in the present application. Any aspects of the present invention disclosed in US 2004/0223021 A1 were derived from us, and thus are not an invention by another.

3. I declare that all statements made herein of my knowledge are true and all statements made on information and belief are believed to be true. These statements were made with the knowledge that willful false statements and the like so

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made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code. I understand that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Date: 8-24-05  
Isaac FarrDate: 8/24/05  
Shane Shivji

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